IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

RSA Nos. 99 & 20 of 1996.

Decided on : September 18, 2006.

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1. **RSA No. 99 of 1996.**

   Ram Gopal Sood .....Appellant.

   VERSUS

   Shakti Chand .....Respondent.

2. **RSA No. 20 of 1996.**

   Ram Gopal Sood .....Appellant.

   VERSUS

   Shakti Chand .....Respondent.

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The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?[1]

For the Appellant : Mr.K.D.Sood, Advocate with Mr. Sanjeev Sood, Advocate.

For the Respondents : Mr. Bhupender Gupta, Sr. Advocate with Mr. Neeraj Gupta, Advocate.

Surjit Singh, Judge (Oral)

CMP No. 758 of 2006 in RSA No. 99 of 1996.

This is a petition, under Order 23, Rule 3, Code of Civil Procedure, duly signed by both the parties and supported by their affidavits, which is signed by the counsel for the parties also. In the

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Whether the reporters of the local papers may be allowed to see the Judgment?

application, it is stated that the parties have entered into a compromise and that in terms of the compromise, the present appeal is to be allowed and the suit filed by the appellant for declaration that the sale deed dated 7.2.1983 executed in favour of respondent Shakti Chand by Bhagat Ram, in respect of half share of land bearing khasra No. 483 (old), new khasra No. 799, measuring 137.70 Square meters, as per jamabandi for the year 1997-98, pertaining to Up-Mohal Sanjauli Bazar, Shimla, is void and that the appellant- plaintiff is the owner of the entire area of said khasra No. 799 (new) is to be decreed. Further in terms of the compromise, another suit that was filed by the respondent-defendant Shakti Chand, seeking a declaration that the rejection of mutation in respect of the above described property, which had been entered in his favour on the basis of the aforesaid sale deed dated 7.2.1983 by the Revenue Officer was illegal and bad and also for partition of the said property, which has been decreed by the trial court and appeal filed in the District Court, has been dismissed, is to be dismissed by accepting the appeal, i.e. RSA No. 20 of 1996, pending in this Court.

2. It is stated in the petition that now the entire area of khasra No. 799, which measures 137.70 Square meters (equivalent to 4 Biswas) is entered in the ownership and possession of appellant-plaintiff Ram Gopal and that the parties have amicably settled the dispute outside the court and it is because of said settlement that the appellant's suit is to be decreed and the one filed by the respondent-defendant is to be dismissed by accepting both the appeals, i.e. the

present appeal i.e. RSA No. 99 of 1996 and the other appeal bearing RSA No. 20 of 1996.

3. I see no illegality or even any irregularity in the compromise entered into between the parties. Hence, in terms of the compromise, both the appeals, i.e. present appeal No. 99 of 1996 and the other appeal bearing RSA No. 20 of 1996 are accepted.

4. As a consequence of the acceptance of the present appeal, judgement and decree of the trial court passed in Civil Suit No. 124/1 of 1988, as affirmed by the first appellate court, is set-aside and the suit of the plaintiff- appellant is decreed and a decree declaring that sale made by Bhagat Ram in respect of half share of khasra No. 799 (new) in favour of respondent Shakti Chand on 7.2.1983, is illegal and void and that he (the appellant-plaintiff) is the owner of the entire area of khasra No. 799, measuring 137.70 Square meters, situate in Up-Mohal Sanjauli Bazar, as per jamabandi for the year 1997-98, is passed in favour of the appellant- plaintiff and against the defendant- respondent.

5. Similarly, on account of the acceptance of the second appeal, bearing RSA No. 20 of 1996, the judgement and decree of the trial court in Civil Suit No. 125-1 of 1988, as affirmed by the first appellate court, are set-aside and the said suit is dismissed. A copy of this order be placed on the record of RSA No. 20 of 1996.

6. Both the appeals stand disposed of.

September 18, 2006. **(Surjit Singh)**
(Hem) **Judge.**